

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IDENIX PHARMACEUTICALS LLC,  
UNIVERSITA DEGLI STUDI DI  
CAGLIARI, CENTRE NATIONAL DE LA  
RECHERCHE SCIENTIFIQUE and  
L'UNIVERSITE MONTPELLIER,

Plaintiffs,

v.

GILEAD SCIENCES, INC. and GILEAD  
PHARMASSET LLC,

Defendants.

C.A. No. 13-1987-LPS

  
REDACTED VERSION

IDENIX PHARMACEUTICALS LLC,  
UNIVERSITA DEGLI STUDI DI  
CAGLIARI, CENTRE NATIONAL DE LA  
RECHERCHE SCIENTIFIQUE and  
L'UNIVERSITE MONTPELLIER,

Plaintiffs,

v.

GILEAD PHARMASSET LLC,

Defendant.

C.A. No. 14-109-LPS

  
REDACTED VERSION

IDENIX PHARMACEUTICALS LLC  
UNIVERSITA DEGLI STUDI DI  
CAGLIARI,

Plaintiffs,

v.

GILEAD SCIENCES, INC.

Defendant.

C.A. No. 14-846-LPS

  
REDACTED VERSION

**DECLARATION OF JOSEPH B. WARDEN  
IN SUPPORT OF GILEAD'S MOTION TO PHASE TRIAL**

I, Joseph B. Warden, declare as follows:

1. I am an attorney with the law firm of Fish & Richardson P.C., and am counsel of record in this action for Plaintiff, Gilead Sciences, Inc. (“Gilead”). I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Attached as exhibit 1 is a true and correct copy of PwC’s 2015 Patent Litigation Study, dated May 2015.

3. Attached as exhibit 2 is a true and correct transcript of the February 25, 2016 pre-trial conference in *Gilead v. Merck*, C.A. No. CV-13-4057-BLF (N.D. Cal.)

4. Attached as exhibit 3 is a true and correct transcript of the January 20, 2016 deposition of Jean Pierre Sommadossi.

5. Attached as exhibit 4 is a true and correct transcript of the October 28, 2016 pre-trial conference in *3M v. Andover*, C.A. No. 13-843-LPS (D. Del.).

6. On November 17, 2016, counsel for Gilead and Idenix, including lead and Delaware counsel, met and conferred regarding Gilad’s request for this court to phase trial. Idenix did not agree to Gilead’s request, and Gilead informed Idenix that it would be filing its present motion.

Executed this 18th day of November, 2016.

/s/ Joseph B. Warden  
Joseph B. Warden